



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

May 11, 2015

By Electronic Mail

Honorable Katherine B. Forrest  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007  
ForrestNYSDChambers@nysd.uscourts.gov

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Re: *The New York Times Co. and Charlie Savage v. National Security Agency*,  
15 Civ. 2383 (KBF)

Dear Judge Forrest:

This Office represents the National Security Agency ("NSA"), the defendant in the above-referenced matter brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). In accordance with Section 4.B.ii.1 of the Court's Individual Rules of Practice in Civil Cases, and as authorized by the Court's April 15, 2015, order, *see* Dkt. No. 7, the parties submit this joint scheduling proposal in lieu of the Court's standard Scheduling Order form. For ease of reference, the numbered paragraphs in this letter track the numbered paragraphs in the Court's standard Scheduling Order.

- (1) All parties do not consent to conducting all further proceedings before a United States Magistrate Judge.
- (2) On each of the three dates listed below, NSA will complete processing of approximately one-third of the total number of documents responsive to Plaintiffs' January 12, 2015, FOIA request, and will release all records or information contained in such documents that are not exempt under FOIA:
  - August 11, 2015
  - November 10, 2015
  - February 10, 2016
- (3) The parties do not anticipate that there will be any need for expert discovery in this matter.
- (4) Not applicable to this FOIA action.

(5) If the parties are unable to resolve this case through settlement, they anticipate that they will file motions for summary judgment regarding the propriety of NSA's decisions to withhold information from documents pursuant to various FOIA exemptions. The parties propose the following schedule:

- NSA's motion for summary judgment: March 11, 2016
- Plaintiffs' opposition and cross-motion for partial summary judgment: April 1, 2016
- NSA's reply/opposition brief: April 22, 2016
- Plaintiffs' reply brief: April 29, 2016

(6) In the absence of a consensual resolution, the parties anticipate that this matter will be resolved based on the aforementioned summary judgment motions, and that there will not be any need for trial.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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Southern District of New York

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cc: David E. McCraw, Esq.

Ordered  
Schedule adopted as set forth  
herein.

5/15/15 /s/ B. Fox  
usdoj